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July 14, 2004

The Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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Federal Communications Commission
Office of Secretary

**RE: NBC Universal, Inc.
MB Docket No. 03-15
Request for Temporary Waiver of DTV Simulcast Rule
HDTV 2004 Olympic Programming**

Dear Madam Secretary:

NBC Universal, Inc., which indirectly controls the NBC Television Network, and, to the extent necessary, NBC Telemundo License Co. (collectively, "NBC"), hereby respectfully supplement their June 30, 2004 request (the "Initial Request") for a temporary waiver of Section 73.624(f) of the Commission's Rules (the "Rule") in order to enable all NBC-affiliated stations, including both NBC affiliates and owned and operated stations (collectively, "NBC Stations"), to broadcast NBC's unique high definition Olympic programming stream (the "HD Stream").¹

NBC is strongly committed to speeding the nation's complete transition to digital television. The most important aspect of this transition remains: persuading all consumers to invest their time and money to buy and install household digital television equipment. NBC has commenced several innovative efforts to deliver the opportunities of digital television to consumers. NBC transmits much of our prime time lineup in high-definition. The NBC digital facility in the nation's largest market, WNBC-DT, is multicasting – transmitting both the traditional WNBC programming and, to the extent the station's 19.4 Mbps capacity allows, a local news stream – so that New Yorkers can

¹ As noted in the Initial Request, the proposed waiver is for both owned and affiliated NBC stations. Multiple NBC affiliate groups have recently contacted NBC and inquired about whether they need to file a separate waiver request to permit them to air the HD Stream. NBC has indicated that it has requested a waiver on their behalf, but would let these groups know if the Commission informs NBC that these groups need to file their own waivers. Since all NBC Stations face the same difficulties, a collective grant limits the burden on Commission resources and serves the public interest.

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see for themselves that digital technology can mean more quality programming choices. Right now, NBC is in the process of developing with many of its affiliates new weather programming (complete with the local focus that is critical to the mission of NBC Stations) that many NBC Stations will air as a second digital stream to the extent capacity and other circumstances permit.

NBC's planned coverage of the Olympics is but another aspect of that commitment. NBC has invested substantial resources into unique and innovative high definition coverage of the 2004 Summer Olympics partly in hope that it will demonstrate to thousands of consumers the many benefits of digital television. Among other benefits, it will generate substantial news coverage for digital television, transform compelling Olympic programming into a sales pitch for digital television, and offer consumers a tangible and immediate reason to invest in digital television. Moreover, the HD Stream will demonstrate digital at its best, with an action-rich stream of sports programming and vivid pageantry presented in all the clarity and breadth of high definition digital television.

However, NBC's high definition Olympic coverage will not enable consumers to access one other potential benefit of digital television – multicasting. For multiple technical reasons, NBC Stations will not be able to transmit both the HD Stream and an upconverted, standard definition version of NBC's analog programming (the "Upconverted Stream") simultaneously to consumers.

First, many NBC stations do not yet have the equipment necessary to multicast digital programming. Unlike other requests for waivers of the Rule, NBC network programming is not just a matter of a single station having certain digital equipment, personnel and capabilities. Every NBC broadcast relies on the more than 200 NBC Stations throughout the United States. In order for NBC to expect each to be able to multicast any programming, never mind complicated and often time sensitive Olympic programming, each Station must have acquired and installed additional digital equipment, including a multiplexer and an encoder for each programming stream. This additional investment in equipment – an investment with no immediate hope of return in light of the few U.S. consumers with digital television and no guaranteed cable carriage – is one of the reasons why only 213 television stations were attempting digital multicasts as of January 2004. Commercial stations, which must face the harsh cost realities of such additional services, comprise only about half that number.² Among NBC owned and operated stations, only WNBC-DT currently is multicasting. However, with the 2004 Olympics beginning next month, NBC wants all NBC Stations to be able to broadcast the HD Stream so that as many consumers as possible – in all the nation's television markets – can access this unique high-definition programming opportunity.

² See, e.g., "Local Stations Multicast Multishows", *USA Today at Money* (Jan. 28, 2004) (available at www.usatoday.com/money/media/2004-01-28-multicast_x.htm).

Second, even if all NBC stations were able to acquire and install all the equipment necessary prior to next month's Olympiad, the content of the HD Stream itself precludes multicasting. Each station has only 6 MHz – or roughly 19.4 Mbps – of spectrum to transmit all of its digital programming.³ Transmission of content rich programming, such as sports programming, presents a television station a choice: either present the programming in a high definition format or “squeeze” the programming into a lesser quality in order to allow for the transmission of other data. In this unique instance, the planned high definition coverage of the Olympic Games is very content-intensive; the HD Stream will use virtually all of a station's usable digital programming transmission capacity. So, as a technical matter, a station cannot deliver the HD Stream as well as typical analog programming (upconverted to a digital format) on its digital signal; it must deliver either the HD Stream – and provide the consumer with the best digital television experience possible – or deliver a materially degraded programming stream of an event that is made for HD programming. Through grant of a waiver, the Commission will enable every NBC Station to deliver the highest quality Olympic digital programming to consumers throughout the United States 24 hours a day.

Finally, as noted in the Initial Request, the proposed waiver in no way implicates the concerns underlying the Rule. The Rule was intended to ensure that the ultimate transition to digital would not cause consumers to lose future access to popular analog programming. But the Olympics are not an ongoing event. Unlike other waivers of the Rule that will last for six or more months, this Request seeks a waiver that will last less than 3 weeks during a month that traditionally has limited new programming and reduced consumer interest in broadcast television. In addition, although the HD Stream will have its own announcers and other unique content, the HD Stream will cover many of the same events, including the Opening and Closing Ceremonies and key competitions, as will be covered in NBC's Olympic analog coverage, which should mitigate substantially any remaining concern under the Rule.

In contrast, without a waiver, millions of consumers are highly unlikely to have access to high definition coverage of the 2004 Olympics, despite NBC's considerable investment in developing such coverage, especially during those time periods where consumers will most want access to that programming. The Commission has sensibly demonstrated that it is prepared to waive the Rule when necessary to offer better programming options to the public. NBC respectfully asks that it does so again here during the brief period requested.

NBC appreciates the Commission's prompt attention to this Request, and is happy to provide additional information as necessary.

³ Some of that capacity is necessarily used for content other than video programming itself, such as audio or program related data.

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Please direct any communications regarding this submission to the undersigned.

Respectfully submitted,

NBC UNIVERSAL, INC.

NBC TELEMUNDO LICENSE CO.

By: 
F. William LeBeau

Their Senior Regulatory Counsel and
Assistant Secretary

cc: Rick Chessen, Associate Bureau Chief, DTV Task Force, Media Bureau
Eloise Gore, Media Bureau